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**AFSCME MEF/CEO AND CITY OF SAN JOSE
MEF & CEO JOINT BARGAINING CONTRACT NEGOTIATIONS 2013**

AFSCME PROPOSAL – OVERTIME AND COMPENSATORY TIME

Proposed MEF language:

ARTICLE 7 HOURS OF WORK AND OVERTIME

7.6 Time spent on paid sick leave, disability leave, holiday leave, ~~vacation leave~~, military leave, any other involuntary compensatory time off duty, or other authorized paid leave shall be deemed time worked for purposes of this Article

7.12 Overtime and Compensatory Time

7.12.1 An employee who works a normal work schedule as defined by Section 7.3 and is authorized or required to work overtime who works in excess of forty (40) hours per work week, shall be compensated at the rate of 1-1/2 times the employee's hourly rate, except when such excess hours result from a change in such employee's work week or shift or from the requirement that such employee fulfill their work week requirement.

7.12.1.1 Use of voluntary paid time off (vacation, compensatory and personal) shall not be considered time worked for the purpose of calculating eligibility for overtime (except in the case of Mandatory Overtime).

7.12.1.2 Mandatory Overtime assignments shall be compensated at the rate of 1-1/2 times of the employee's hourly rate.

7.12.1.3 If at any time an employee is required to work more than twelve (12) hours in one shift, whether voluntary or mandatory, the employee shall be compensated at the rate of two (2) times the employee's hourly rate for hours worked beyond their regularly scheduled shift. At no time should an employee work beyond 14 ½ hours in one shift.

7.12.1.4 An employee, who works more than twelve (12) hours and no more than fourteen (14) hours in one shift, shall be required to have at least 8 consecutive hours off before their next scheduled shift.

7.12.1.5 Employees who work a 4/10 work week, shall have ten (10) consecutive hours off before their next scheduled shift.

7.12.1.6 Full-time employees shall not work more than six (6) consecutive days in any scheduled work week, unless it is due to a scheduled shift change, where employee will have more than two (2) consecutive regularly scheduled days off, in the previous or preceding work week.

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7.12.2 Part-time employees are only eligible for overtime pay or compensatory time at the rate of 1-1/2 times of the employees' hourly rate if the employee works over twelve (12) eight (8) consecutive hours in the same assignment, unless they are regularly assigned to ten (10) hour shifts, or over forty (40) hours in one week, or if the overtime exceeds eight (8) hours and is scheduled without a twenty-four (24)-hour notice.

7.12.2.1 Part-time employees shall not be scheduled to work more than five (5) consecutive work days in a pay period. If a part-time employee is assigned to work more than five (5) consecutive days in a pay period, then hours worked in days six (6) and seven (7), will be compensated at the rate of 1-1/2 times of the employees hourly rate of pay for all hours worked in days six (6) and seven (7).

7.12.2.3 For purposes of part-time hours calculations, overtime hours will not count towards the yearly calculations for hours worked in their classification.

7.12.3 An employee who is assigned or elects and is approved for an alternative work schedule as defined by Section 7.11 and is authorized or required to work overtime in excess of forty (40) hours per the employee's designated work week shall be compensated at the rate of 1-1/2 times the employee's hourly rate, except when such excess hours result from a change in such employee's workweek or shift or from the requirement that such employee fulfill their workweek requirement.

Proposed CEO language:

ARTICLE 6 HOURS OF WORK AND OVERTIME

6.7 An employee who works a normal work schedule as defined by Article 6.3 and is authorized or required to work overtime who works in excess of forty (40) hours per work week, shall be compensated at the rate of time and one-half (1-1/2) the employee's hourly rate, except when such excess hours result from a change in such employee's work week or shift or from the requirement that such employee fulfill his/her workweek requirement.

6.7.1 Part-time employees are only eligible for overtime pay if the employee works over forty (40) hours in one (1) week.

6.7.2 Use of voluntary paid time off (vacation, compensatory and personal) shall not be considered time worked for the purpose of calculating eligibility for overtime (except in the case of Mandatory Overtime).

6.7.3 Mandatory Overtime assignments shall be compensated at the rate of 1-1/2 times of the employee's hourly rate.



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6.7.4 If at any time an employee is required to work more than twelve (12) hours in one shift, whether voluntary or mandatory, the employee shall be compensated at the rate of two (2) times the employee's hourly rate for hours worked beyond their regularly scheduled shift. At no time should an employee work beyond 14 ½ hours in one shift.

6.7.5 An employee, who works more than 12 hours and no more than 14 hours in one shift, shall be required to have at least 8 consecutive hours off before their next scheduled shift.

6.7.6 Employees who work a 4/10 work week, shall have 10 consecutive hours off before their next scheduled shift.

6.7.7 Full-time employees shall not work more than six (6) consecutive days in any scheduled work week, unless it is due to a scheduled shift change, where employee will have more than two (2) consecutive regularly scheduled days off, in the previous or preceding work week.

6.9.2 Part-time employees who are assigned and work over eight (8) consecutive hours in the same assignment, unless they are regularly assigned to ten (10) hour shifts, or in excess of forty (40) hours in one week shall be compensated at the time and one-half (1-1/2) rate. A part-time employee who is assigned and works in excess of forty (40) hours per week may elect to either be paid for such overtime or credited with compensatory time off, except under the above listed circumstances.

However, at no time shall a part-time employee's compensatory time balance exceed forty (40) hours. Once an employee's compensatory time balance reaches forty (40) hours, employees shall be paid for all time assigned and worked in excess of forty (40) hours per week.

6.9.2.1 Part-time employees shall not be scheduled to work more than five (5) consecutive work days in a pay period. If a part-time employee is assigned to work more than five (5) consecutive days in a pay period, then hours worked in days six (6) and seven (7), will be compensated at the rate of 1-1/2 times of the employees hourly rate of pay for all hours worked in days six (6) and seven (7).

6.9.2.2 For purposes of part-time hours calculations, overtime hours will not count towards the yearly calculations for hours worked in their classification.

6.10 Time spent on paid sick leave, disability leave, holiday leave, ~~vacation leave~~, military leave, any other involuntary compensatory time off duty, or other authorized paid leave shall be deemed time worked for purposes of this Article.

